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No. 27

Thursday, February 6, 1997.

8.30 o'clock a.m.

Prayers.

Standing Committee on Public Accounts

Mr. D. Graham presented the First Report of the Standing Committee on Public Accounts which was read and is as follows:

February 6, 1997.

To the Honourable

The Legislative Assembly of

The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Public Accounts begs leave to submit this their First Report for the Second Session of the Fifty-third Legislative Assembly.

Your Committee on Public Accounts met in the Legislative Council Chamber during the months of March, May and June, 1996 and January, 1997, to consider departmental reports and to review the public accounts of the province for the fiscal year ended March 31, 1995. Officials of the various government departments appeared before the Committee and answered questions for the year under review. During the course of the hearings the Committee passed several motions which are outlined below and are recommended to the House. In addition, the Committee called on the Office of the Comptroller and the Office of the Auditor General to carry out specific investigations on matters arising out of the review.

Your Committee held four days of hearings during March 1996.

On March 12 the Committee examined the Report of the Auditor General and met with Auditor General, Ralph W. Black. The following motion was adopted:

That the Committee recommend to the House that the government consider a proposal to amend the Auditor General Act to provide provision for enforcement in cases where the Auditor General fails to meet the reporting deadline.

The Committee also reviewed the Annual Report of the Office of the Comptroller and met with the Comptroller, Edward L. Mehan. The following motion was adopted:

That the Standing Committee on Public Accounts ask the Office of the Comptroller to return to the long standing tradition of publishing the specific salaries of provincial employees in the volume of supplementary information for the year 1996 and that the information for the year ending March 31, 1995 be made available to the Standing Committee on Public Accounts.

A list of the salaries and expenses for the year in question was subsequently provided to the Committee. The Office of the Comptroller also indicated that it would return, in future, to publishing the specific salaries and expenses of provincial employees. Your Committee notes that this information was included in Volume 2 of the Public Accounts for the fiscal year ended March 31, 1996.

On March 13, 1996, your Committee examined the Public Accounts of the Department of Education, the Department of Advanced Education and Labour and the Department of Transportation.

Officials of the Department of Supply and Services appeared before the Committee on March 14, 1996. Several questions were raised relating to potential irregularities concerning employees and activities at

the Miramichi Regional Hospital Construction Office. In response thereto, the following motion was adopted:

That the Committee request the Comptroller do an investigation to determine if in fact any government rules or policies have been broken by people working out of the Miramichi Hospital construction office.

The Office of the Comptroller completed an investigation and reported to the Committee on June 11, 1996. The report concludes that in certain instances government acts, regulations and policies were not adhered to. A copy of the Comptroller's report is attached hereto as Appendix "A". In response to the Comptroller's investigation and report, the following motion was adopted:

That the Standing Committee on Public Accounts thank the Comptroller for his diligent work in the matter of his investigation into the management of the construction of the Miramichi Regional Hospital; and

That the Standing Committee on Public Accounts ask the Minister of Supply and Services to take note of the deficiencies in administrative procedures identified in the report, and move to immediately take appropriate corrective action.

Officials of the Department of Human Resources Development-NB also appeared before the Committee on March 14, 1996. The following motion was adopted:

That the Committee request the Auditor General to report immediately to the Committee as to the actions he is taking or will immediately take to fulfil his responsibilities under Section 14(1) of the Auditor General's Act with respect to recent revelations regarding possible violations of the Public Purchasing Act under the Andersen Contract.

In response, the Auditor General's Office advised that it would treat the motion as a request under Section 11(1) of the *Auditor General's Act* which reads as follows:

11(1) Whenever the Legislative Assembly, the Standing Committee on Public Accounts, the Lieutenant-Governor in Council, the Chairman of the Board of Management or the Minister of Finance so requests, the Auditor General may, if in his opinion such an assignment does not interfere with his primary responsibilities, inquire into and report on any matter related to the financial affairs of the Province or to public property or inquire into and report on any person or organization that has received financial assistance from the Province or in respect of which financial assistance from the Province is sought.

The Auditor General's Office advised that it would review the purchase by Andersen Consulting of computer hardware, computer software and furniture in connection with fulfilment of their contract with the Department of Human Resources Development. The review would enable it to form an opinion as to whether the purchase was made in accordance with the terms of the contract, and complied with the provisions of the *Public Purchasing Act*.

At the conclusion of the review the Office of the Auditor General will prepare a report which will be issued to the Standing Committee on Public Accounts.

On March 15, 1996 your Committee met with officials of the Mental Health Commission of New Brunswick.

Further meetings were held on May 14, 15, 16, 17, 28 and 29 1996. Officials of the following departments and offices appeared before the Committee:

Department of Agriculture and Rural Development

Department of Economic Development and Tourism

Department of the Environment

Department of Finance

Department of Fisheries and Aquaculture

Department of Intergovernmental Affairs

Department of Justice and Attorney General

Department of Municipalities, Culture and Housing

Department of Natural Resources and Energy.

Department of the Solicitor General

Advisory Council on the Status of Women

Office of the Executive Council

Legislative Assembly

Maritime Provinces Higher Education Commission

New Brunswick Police Commission

Office of the Premier

Premier's Council on the Status of Disabled Persons

Youth Council of New Brunswick

Your Committee met on January 30, 1997 at which time Mr. Elvy Robichaud submitted his resignation as Committee Chairman. Mr. Dale Graham was, on motion, elected Chairman. Your Committee wishes to express its appreciation to Mr. Robichaud for the diligent work performed during his term as Chairman.

Your Committee would like to express its appreciation to Mr. Ralph Black for his years of dedicated service to the Province of New Brunswick and for the cooperation and assistance provided to the Standing Committee on Public Accounts.

Your Committee also wishes to acknowledge the cooperation of the various government departments that appeared before it, and to thank officials for their assistance in providing requested information.

And your Committee begs leave to make a further report.

Mr. Dale Graham, M.L.A.

Chairman.

Ordered that the report be received, that leave be granted, and the Committee continued.

Bills Introduced

The following Bill was introduced and read a first time:

By Hon. Mr. Tyler,

Bill 60, *An Act to Amend the Society for the Prevention of Cruelty Act.*

Ordered that the said Bill be read a second time at the next sitting.

Documents Tabled

Hon. Mr. Tyler requested Mr. Speaker revert to the order of Tabling of Documents and laid upon the table of the House a document entitled New Brunswick Society for the Prevention of Cruelty to Animals Task Force, Final Report, December 1996.

Government Motions re Business of House

Hon. Mr. Frenette announced that it was the intention of the government to continue consideration of the estimates of the Department of Health and Community Services, following Private Members' Motions.

Third Reading

The following Bills were read the third time.

Bill 30, *An Act to Amend the Assessment Act.*

Bill 31, *Special Appropriation Act 1996(2).*

Bill 39, *An Act to Amend the Income Tax Act.*

Bill 41, *An Act to Amend the Motor Vehicle Act*.

Bill 42, *An Act to Amend the Dairy Products Act*.

Ordered that the said Bills do pass.

Mr. Speaker reminded Members that when motions are being put, Members should refrain from leaving the chamber.

Second Reading

The following Bills were read the second time and ordered referred to the Committee of the Whole House:

Bill 48, *An Act to Amend the Tobacco Sales Act*.

Bill 49, *An Act to Amend the Hospital Services Act*.

Bill 50, *Mental Health Services Act*.

Bill 51, *An Act to Amend the Potato Disease Eradication Act*.

Bill 52, *An Act to Amend the Medical Services Payment Act*.

Bill 53, *An Act to Amend the Conflict of Interest Act*.

Bill 54, *An Act to Amend the Business Corporations Act*.

Bill 55, *An Act to Amend the Direct Sellers Act*.

Bill 56, *An Act to Amend the Expropriation Act*.

Bill 57, *An Act to Amend the Proceedings Against the Crown Act*.

Bill 58, *An Act to Amend the Security Frauds Prevention Act*.

Private Members' Motions

Debate resumed on the proposed amendment to Motion 66, moved by Mr. Robichaud, seconded by Mr. D. Graham, as follows:

AMENDMENT

That Motion 66 be amended by adding the following paragraph at the end of the motion:

"BE IT FURTHER RESOLVED that the new model be subject to public consultation before its implementation."

And after some time, Mr. Volpé moved, seconded by Mr. Sherwood, the following subamendment:

SUBAMENDMENT

THAT the amendment be amended by:

adding the following words between the words "consultation" and "before": "throughout every region in New Brunswick"

And the question being put, a debate ensued.

And after some time, Hon. Mr. Frenette rose on a Point of Order, his point of order being that Mr. Mockler had used unparliamentary language during the debate and that he should withdraw the words.

Mr. Speaker ruled the Point of Order well taken and requested that Mr. Mockler withdraw the words in question, which he did.

Debate continued and after some further time, Hon. Mr. Frenette rose on a Point of Order, stating that Hon. Mr. Valcourt had already spoken in the debate in moving the motion, and in speaking to the amendment to the motion.

Mr. Speaker ruled that the Point of Order was not well taken since the subamendment presently before the House is a question by itself, and a Member who has spoken only on the original question and on an amendment is entitled to speak on a subamendment.

Debate continued and after some further time, Mr. Speaker interrupted proceedings and advised that the time allotted for Private Members' Motions had expired.

Committee of Supply

The House, according to Order, resolved itself into a Committee of Supply with Mr. O'Donnell in the chair.

And after some time, the Chairman declared it to be 12.30 o'clock p.m. and left the chair to resume again at 2 o'clock p.m.

2 o'clock p.m.

Mr. Chairman resumed the chair.

And after some further time, Mr. Chairman interrupted proceedings to remind Members of the proper dress code in the House, citing page 392 of *Erskine May's Parliamentary Practice, Twenty-first Edition* under the heading MEMBERS' DRESS.

And after some further time, the Chairman declared it to be 6 o'clock p.m. and left the chair, to resume again at 7 o'clock p.m.

7 o'clock p.m.

The Committee resumed.

At 7.05 o'clock p.m., the Chairman declared a recess and left the chair.

7.10 o'clock p.m.

The Committee resumed.

And after some further time spend in Committee of Supply, Mr. Speaker resumed the chair and Mr. O'Donnell, the Chairman, after requesting that Mr. Speaker revert to Presentations of Committee Reports, reported that the Committee had had under consideration the matters referred to them, had made some progress therein, and asked leave to sit again.

Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

Mrs. Kingston moved the adjournment of the House.

Mr. Speaker advised that she could not move a motion for adjournment as she was not in her seat in the House.

Hon. Mr. Frenette moved the adjournment of the House.

And then, 9.56 o'clock p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House, were deemed laid before the Table of the House, pursuant to Standing Rule 39:

Documents requested in Notice of Motion 40, 44, 64 - February 3, 1997

Documents requested in Notice of Motion 13 - February 4, 1997